

**TESTIMONY OF THE
DEPARTMENT OF INLAND FISHERIES AND WILDLIFE
BEFORE THE JOINT STANDING COMMITTEE ON INLAND
FISHERIES AND WILDLIFE**

In Opposition to LD 391

**An Act to Allow a Person to Possess Small Game in Excess of that
Person's Possession Limit**

PRESENTED BY: Representative Wood of Sabattus

Cosponsored by Senator JACKSON of Aroostook and
Representative BLACK of Wilton,
Representative CRAY of Palmyra,
Representative DAVIS of Sangerville,
Representative GILLWAY of Searsport,
Representative JONES of Freedom,
Representative MAREAN of Hollis
Representative TIMBERLAKE of Turner,
Senator MASON of Androscoggin

DATE OF HEARING: April 25, 2013

Senator Dutremble, Representative Shaw, and members of the Joint Standing Committee on Inland Fisheries and Wildlife I am Joel Wilkinson, Colonel of the Maine Warden Service. I will be speaking in opposition to **L.D. 391**.

From a biological standpoint this change does not increase bag limits for any of the current seasons. It does contradict Federal law which defines the possession limit for migratory birds as two times the daily bag limit. Daily bag and possession limits serve to protect wildlife populations from exploitation by greedy hunters and egregious game violators. Allowing a person unlimited possession of a particular species may cause additional abuse, potentially exposing wildlife populations to overharvesting.

Liberalizing the possession limits would make enforcing daily bag limits extremely problematic. These opportunities and this resource attract hunters to our state. The 8 bird possession limit is sufficient and still allows the enforcement bureau to address intentional violations of our daily bag limit laws.

Currently Maine law allows a hunter to possess twice his daily bag limit. In the case of Ruffed Grouse, that would be 8 birds. For instance, if there were two licensed hunters in a residence and they each possessed their legal limit that would be 16 grouse.

An “unlimited home possession limit” could tempt an otherwise honest hunter to take over his daily bag limit, knowing that once he got the birds or animals home, he would be safe. Additionally, it would make it easier for a flagrant violator to take part in an activity called “tripping.” Tripping occurs when a person hunts or fishes on a certain day, harvests his limit, brings it home and they return to the field and forests on the same day to take a second daily bag limit. A warden who encounters this person in the field would only see the person’s single daily bag limit. Barring some other “tip” or piece of information, the warden has no way of knowing the person has already killed one limit that day. Even if the warden suspected he was dealing with a person taking multiple limits, mere suspicion does not rise to the probable cause threshold to allow a warden to execute a search warrant on a poacher’s residence. Under current Maine law, that person could only make two said “trips” without being in violation of his possession limit. To allow an unlimited “home possession limit” would permit easy exploitation of our precious resources, in that the poachers would only have to successfully get the animal home to make an otherwise un-prosecutable case for the warden service.

One must consider the burden of proof for the game warden and state of Maine to prove that a person exceeded their daily bag limit would require the warden to prove *Beyond a Reasonable Doubt* that the animals or birds were killed by a particular person on a particular day.

Finally, I would note that the portion of LD 391 which speaks to “woodcock, snipe, wild duck, goose, and rail” would be in conflict with Title 50 Code of Federal Regulations (CFR) 20.33. The Federal Government sets the possession limit of migratory game birds at 2 times the daily bag limit. States are permitted to be more restrictive, but not less regarding migratory game birds. Including certain species and not others would create additional confusion to the sportsmen and enforcement staff.

I would be happy to answer any questions you may have.